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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,370	02/19/2002	Howard T. Marano	2001P10727 US01	9274

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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/007,370

Applicant(s)

MARANO, HOWARD T.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Prosecution has been re-opened in response to the Appeal Brief filed on 09/19/2006.

Accordingly, the following is a Non-Final Office Action. Claims 1-19 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 09/19/2006, with respect to the rejections of claims 1-19 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, new grounds of rejection are set forth below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 and 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Srimuang (U.S. 2003/0061087).

As per claim 1, Srimuang teaches a method for assigning an identifier to at least one of a plurality of displayable task schedules, comprising the activities of:

a. initiating display of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a

selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being associated with a particular entity of said corresponding different entities (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where an interface allows users to enter information identifying an event (i.e. service event). Once this is entered, the system identifies multiple tasks associated with the service, the tasks associated with employees and/or resources. The system automatically checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). See also figures 2 and 6);

b. receiving decision information entered via said at least one interface menu (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110); and

c. applying the received decision information and initiating execution of said at least one executable procedure, in response to received information identifying an event to automatically select a task from a plurality of different tasks and assign a task representative identifier representing a selected task to be performed by said particular entity to said task schedule associated with said particular entity (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where an interface allows users to enter information identifying an event (i.e. service event). Once this is entered, the system identifies multiple tasks associated with the service, the tasks associated with employees and/or resources. The system automatically checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). See also figures 2 and 6).

As per claim 2, Srimuang discloses initiating execution of at least one executable procedure to automatically select said particular task schedule from said plurality of displayable task schedules, in response to said received information identifying an event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where an interface allows users to enter information identifying an event (i.e. service event). Once this is entered, the system identifies multiple tasks associated with the service, the tasks associated with employees and/or resources. The system automatically checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). See also figures 2 and 6); and wherein

the step of initiating display of at least one interface menu includes initiating display of menu elements prompting a user to identify at least (c) decision information for initiating execution of at least one executable procedure for identifying a task schedule for listing a task representative identifier (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where an interface allows users to enter information identifying an event (i.e. service event). Once this is entered, the system identifies multiple tasks associated with the service, the tasks associated with employees and/or resources. The system automatically checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). See also figures 2 and 6).

As per claim 3, Srimuang discloses wherein the decision information initiates execution of at least one logical procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein the entered information concerning the determined service causes execution by the system that identifies needed schedules).

As per claim 4, Srimuang teaches wherein the data associated with a task comprises at least (a) a medical procedure identifier for a scheduled procedure (See paragraphs 109-110, wherein the data identifies the medical procedure, such as an exam).

As per claim 5, Srimuang discloses wherein said decision information initiates execution of at least one executable procedure to automatically and programmatically without user intervention select said task and assign said identifier, in response to the received information identifying an event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where information identifying an event (i.e. service event) is entered and the system identifies multiple tasks associated with the service, the tasks associated with employees and/or resources. The system automatically checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). See also figures 2 and 6) and

and the entity comprises at least (c) a medical device or system (See 0056, 109-110, which discloses entities).

As per claim 6, Srimuang discloses wherein:

- a. decision information identifies the predetermined event (See paragraph 9, 11, 71-2, 80-1, 109-110, wherein the event is a predetermined service); and
- b. the predetermined event corresponds to at least (b) beginning of a medical procedure (12-3, 85-6, 105, 109-110, wherein the event has timing associated with the procedure, such as a medical exam).

As per claim 7, Srimuang discloses wherein said received decision information initiates execution of said at least one executable procedure to prioritize a plurality of task representative identifiers of a task schedule associated with a particular entity in response to occurrence of a

Art Unit: 3623

triggering event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein information is received that initiates scheduling of a plurality of people and machines to the task (i.e. service is requested which involves people and/or resources). See also paragraphs 31, 45, 65, 80-1, 108, wherein the received information caused conflict detection and revisions, that allows the schedule to be revised based on priority. The conflict is the triggering event).

As per claim 8, Srimuang teaches steps a, b, c, and d, as set forth above with regards to claim 1. Srimuang further discloses said particular task schedule being associated with a particular entity of said corresponding plurality of different entities and accessible by the particular entity (See figure 2, paragraphs 8-9, 28-31, 75, 78), the decision information including:

- i. at least one executable procedure for processing data associated with a task to select a task schedule for incorporating the task representative identifier and for assigning said task representative representing a task to be performed by said particular entity, to said selectable task schedule (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein an event is identified (i.e. service event) and the system identifies multiple tasks associated with the service, the tasks associated with employees and/or resources.

The system automatically checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). See figures 2 and 6),

- ii. an event for triggering application of said at least one executable procedure (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein input of the service request triggers the automatic search for availability).

Claim 9 recites equivalent limitations to claim 1, element a. and claim 4 and is therefore rejected using the same art and rationale set forth above.

Claim 10 recites equivalent limitations to claim 6 and is therefore rejected using the same art and rationale set forth above.

As per claim 11, Srimuang discloses acquiring the data associated with a task (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein needed entities and availability data are acquired).

As per claim 14, Srimuang teaches wherein said at least one executable procedure removes a task representative identifier from the task schedule associated with the particular entity in response to occurrence of a triggering event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein information is received that initiates scheduling of a plurality of people and machines to the task (i.e. service is requested which involves people and/or resources). See also paragraphs 31, 45, 65, 80-1, 108, wherein the received information caused conflict detection and revisions, that allows the schedule to be revised based on priority. The conflict is the triggering event).

As per claim 15, Srimuang teaches step ai, as set forth above in the rejection of claim 1. Srimuang further teaches ii. initiating display of an updated task schedule including said selected task having said assigned identifier associated with the particular entity, in response to received information identifying an event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where an interface allows users to enter information identifying an event (i.e. service event). Once this is entered, the system identifies multiple tasks associated with the service, the tasks associated with employees and/or resources. The system automatically checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). See also figures 2 and 6).

Art Unit: 3623

As per claim 16, teaches the elements of claim 16, as explained above with regards to claims 8 and 15. Claim 16 is rejected using the same art and rationale set forth above.

As per claims 17 and 18, claims 17 and 18 recite equivalent limitations to claims 8 and 1, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 19, claim 19 is rejected using the same art and rationale applied in the rejection of claim 1. Srimuang further discloses a computer program embodied within a computer readable medium (See paragraphs 28-9, 70-3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srimuang (U.S. 2003/0061087) in view of Mayhak, Jr., et al. (U.S. 2001/0051888).

As per claims 12-13, Srimuang teaches at least one executable procedure conditions allocation of the task to the task schedule associated with the particular entity and acquiring data (See figures 2, 6, and 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein the system identifies multiple tasks associated with the requested service, and the system automatically checks the availability of the schedules of the entities needed to perform the tasks. See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein needed entities and availability data are acquired).

Art Unit: 3623

Srimuang further discloses a triggering event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein input of the service request triggers the automatic search for availability). However, Srimuang does not specifically disclose that the tasks are allocated based upon coincidence of a plurality of occurrences, that the triggering event is conditioned upon coincident of a plurality of occurrences, or acquiring data to identify the coincidence of the plurality of occurrences.

Mayhak, Jr., et al. teaches scheduling in a medical/doctor environment, wherein a procedure conditions allocation of the task to the task schedule associated with the particular entity upon coincidence of a plurality of occurrences, (See paragraphs 0010-12, 0040-2, 0065, 0068, 0071, 0076, wherein the task is allocated to a task schedule based on the occurrence of multiple events that happen together (i.e. profiles of employee and patient, type and timing of appointment, deleting and modification to the schedule, job type, etc.)), that the triggering event is conditioned upon coincidence of a plurality of occurrences (See paragraphs 0010-2, 0036, 0040-2 0065, 0067-8, 0076, wherein the entering of profile information and patients schedules causes the triggering of a procedure that generates employee schedules. The task is allocated to a task schedule based on the occurrence of multiple events that happen together (i.e. profiles of employee and patient, type and timing of appointment, deleting and modification to the schedule, job type, etc.)), and wherein data is acquired to identify the coincidence of the plurality of occurrences (See paragraphs 0010-12, 0040-2, 0065, 0068, 0071, 0076, wherein the system has data associated with the occurrences).

Both Mayhak, Jr., et al. and Srimuang disclose electronic scheduling systems, where medically related tasks are allocated to task schedule. Mayhak, Jr., et al. teaches scheduling in a

Art Unit: 3623

medical/doctor environment, wherein a procedure and a triggering event are conditioned to allocate the task to the task schedule associated with the particular entity upon coincidence of a plurality of occurrences. It is well known in scheduling that other events may occur, leading into the scheduling of the current event. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to condition the trigger event and allocate tasks based on the coincidence of the occurrence of tasks in order to more efficiently schedule tasks using the system. See paragraphs 0008-10 of Srimuang.

Response to Arguments

8. Applicant's arguments with regards to Mayhak, Jr., et al. (U.S. 2001/0051888) with regards to claims 12 and 13 have been fully considered, but they are not persuasive. In the remarks, Applicant argues that Mayhak, Jr., et al. fails to disclose the features of claims 12 and 13.

In response to this argument, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hlathein et al. (U.S. 2002/0055918) teaches a resource scheduling system in the field of medicine (specifically Operations) that has a scheduling engine that automatically schedules in response to an input date and automatically managing the relationships between scheduled tasks.

Levinson et al. (U.S. 7,027,996) teaches scheduling scripts and adding additional tasks based on the addition of a task.

Bianco et al. (U.S. 2002/0082865) discloses an electronic healthcare system and automatically displaying a task in a task list.

Mayer et al. (U.S. 2002/0070597) discloses an electronic health management system that allows for appointment scheduling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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December 8, 2006

Beth Van Doren
Beth Van Doren
Patent Examiner
AU 3623